



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ONE CONGRESS STREET, SUITE 1100
BOSTON, MA 02114-2023

May 11, 2006

Mr. Andrew Silfer
Corporate Environmental Programs
General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

Via Electronic and U.S. Mail

Re: Conditional Approval of General Electric's *Supplemental Information Package for the Phase 4 Floodplain Properties*, GE- Pittsfield/Housatonic River Site, Pittsfield, Massachusetts.

Dear Mr. Silfer:

This letter provides the Environmental Protection Agency's (EPA) conditional approval of the above-referenced *Supplemental Information Package for the Phase 4 Floodplain Properties*, dated April 14, 2006 (Supplement). The Supplement is subject to the terms and conditions specified in the Consent Decree (CD) that was entered in U.S. District Court on October 27, 2000.

Pursuant to Paragraph 73 of the CD, EPA, after consultation with the Massachusetts Department of Environmental Protection (MDEP), approves the Supplement subject to the following conditions.

1. **Site Restoration Plan, Backfill Information**

In addition to providing the analytical results from the proposed topsoil source, GE shall provide additional information including, but not limited to, the pH and organic content of the proposed topsoil source.

2. **Attachment E, Site Restoration Plan, Post-Removal Site Control Activities**

GE shall revise the Post-Removal Site Control section of the Site Restoration Plan as follows: The plantings performed by GE on EPA's behalf in the 10 foot strip along the top of bank in Group 4C shall be subject to EPA's forthcoming Post-Removal Site Control Plan for the 1.5 Mile Reach, which will be implemented by GE in accordance with Paragraph 21.b of the CD. This will also be the case for the plantings that EPA will install in the 10 foot strip along the top of bank in Groups 4A and 4B. The revegetation planted by EPA for GE in areas outside the 10 foot strip in Groups 4A and 4B in areas

targeted for excavation by GE shall be covered by the Post-Removal Site Control section of GE's Site Restoration Plan. GE shall also increase the duration of the six month inspection of backfilled/restored areas from a period of 2 years to a period of 5 years, subject to further discussion between EPA and GE.

3. **Attachment E, Site Restoration Plan, Planting Plan Specifications, Group 4C Floodplain Properties**

GE's Site Restoration Plan states that the results of an inventory of existing trees with a diameter of at least 6 inches within Group 4C floodplain properties were used to develop the proposed tree planting plan for those properties. However, it has not provided any details as to how this plan is intended to replace or enhance the existing tree density in this area and has not discussed whether or how this plan takes into account potential mortality of some newly planted trees. GE shall demonstrate that its tree planting plan is designed to replace or enhance the existing tree density, taking into account the estimated survival rate for the newly planted trees.

A list of herbaceous species contained in the conservation seed mix was not included in the planting plan specifications. GE shall use the same conservation seed mix that EPA used for the 1-1/2 Mile Reach (pages 9-10 in Section 02930, Bank Revegetation, Phase 3).

The Site Restoration Plan does not include a provision for removing the welded wire from the planted trees once the trees have grown to sufficient size. GE shall include this provision in the forthcoming Post-Removal Site Control Plan described in condition 2 above.

4. **Attachment E, Site Restoration Plan, Work Area 9**

The proposed work for Work Area 9 is incorrect. GE shall remove the road material and backfill Work Area 9 with topsoil. The Site Restoration Plan and Drawing Number 06-03-01-4A indicate EPA will perform these tasks, which is incorrect. EPA's activities are limited to revegetation of Work Area 9.

5. **Attachment E, Site Restoration Plan, Work Areas 17 and 23**

GE shall revise Drawing Number 06-03-01-4C to eliminate the proposed plantings in the sewer Right-of-Way (ROW). This includes work area 17, from the sewer siphon northeast to the property line of parcel I-6-66 (Group 4B property) and potentially in work area 23; from the sewer siphon east-northeast towards work area 27.

GE shall aerate the underlying soil after removal of the gravel roads (a specification shall be provided for EPA review and approval), areas beneath the existing gravel access road/staging areas that are not targeted for excavation. This shall not include areas within the sewer ROW.

6. **Attachment E, Site Restoration Plan, Work Area 28**

As stated in Notes 2 and 6 of the specifications for Work Area 28 (the vernal pool area), photographs of this area will be taken prior to excavation activities and after dewatering of this area, for use during restoration. Prior to conducting restoration activities in this area, GE shall provide these photographs to EPA, along with information related to the placement of stones, woody debris, and other benthic materials in the restored vernal pool.

7. **Attachment E, Site Restoration Plan, Group 4C Additional Areas Cleared by EPA Activities**

The tree species proposed for the areas cleared on Parcels I6-1-104 and I6-1-62 and shown on Drawing Number 06-03-01-4C are limited to box elders. GE shall revise Drawing Number 06-03-01-4C to show a mix of box elders and red maples evenly distributed throughout these cleared areas at a ratio of 1 red maple for every three box elders.

8. **Attachment E, Site Restoration Plan, 10-Foot Strip on Top-of-Bank Along Housatonic River**

GE shall revise the Planting Plan for 10-Foot Strip on Top of Bank Along Housatonic River to include 4-6 foot high trees at a planting density of approximately 8 foot on center. The trees shall be planted in unevenly spaced sinuous rows roughly parallel to the river and shall be comprised of the following tree species: (1) black willow, (2) silver maple, (3) box elders, and (4) eastern cottonwoods. Based on the area of 8,080 SF included in the plan, the number of trees required is 130 trees. The trees should be evenly divided and planted among the four required species.

GE shall plant the red osier dogwoods within 2 feet of the riverbank riprap and 8 foot on center. Also, GE shall extend to red osier dogwood band the remaining 10 feet along the top of the riverbank to the southern end of Group 4C. This results in a total length of 818 feet. At 8 foot on center, this equates to approximately 102 red osier dogwoods, not 216 as specified in the Planting Plan.

GE shall revise the Planting Plan for shrubs as follows. Plant species shall include silky dogwood along with winterberry holly, northern arrowwood, and choke cherry. GE shall plant the shrubs at a density of 730/acre, evenly divided among the four species. At a density of 730/acre, X (8,080sf /43,560 sf/acre), equates to 135 total shrubs, or approximately 34 each of the four species identified above.

GE shall plant the shrubs spaced four feet on center within 12' x 50' oblong clumps. Clumps should be roughly 40 feet apart with the shrub distribution evenly split between the following: silky dogwood, winterberry holly, northern arrowwood, and choke cherry.

9. **Attachment F, Mitigative Measures Related to Species of Concern**

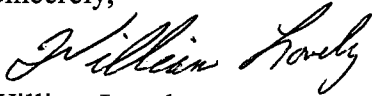
GE shall revise Attachment F to include provisions for taking photographs of all turtles captured prior to release. Photographs shall include the top and bottom of each turtle as well as any distinguishing marks. In addition, GE shall propose a turtle release site for EPA review and approval prior to commencing removal actions within the Phase 4 floodplain properties.

GE shall address the conditions described above by providing an Addendum to the Supplement by May 16, 2006.

EPA reserves its right to perform additional sampling and/or require additional sampling or Response Actions, if necessary, to meet the requirements of the Consent Decree.

If you have any questions, please contact me at (617) 918-1240.

Sincerely,



William Lovely
GE Facility Project Manager

cc.

Dean Tagliaferro, EPA
John Kilborn, EPA
Rose Howell, EPA
Holly Inglis, EPA
Sue Steenstrup, MDEP
Anna Symington, MDEP
Jane Rothchild, MDEP
Joanne Flescher, MDEP
Linda Palmieri, Weston Solutions
Thomas Angus, MDEP
Nancy E. Harper, MA AG
K.C. Mitkevicius, USACE

Dale Young, MA EOE
Rod McLaren, GE
Mike Carroll, GE
Richard Gates, GE
James Nuss, BBL
James Bieke, Goodwin Procter LLP
John Lortie, Woodlot Alternatives
Ken Munney, USFWS
Caleb Mitchell, Conservation Commission
Mayor James Ruberto, City of Pittsfield
Affected Property Owners
Public Information Repositories